

REMARKS

1. Applicant thanks the Office for its remarks and observations, which have greatly assisted Applicant in responding.

2. **35 U.S.C. § 102**

Claims 1-6, 10-11, 23-28, 32-33, 50-56 and 60-61 are rejected as being anticipated by Random Deposit.” While Applicant respectfully disagrees, in order to advance prosecution of the Application, Claims 1, 44 and 50 are amended to describe a particular database architecture for the wallet database and the subscriber data:

“wherein first account type comprises a thin wallet, the thin wallet comprising a record in a subscriber database, and wherein the second account type comprises a full wallet, the full wallet comprising a record in a wallet database distinct from said subscriber database.”

In its Response of March 16, 2009, Applicant argued that there was no teaching or suggestion in “Random deposit” of:

“wherein first account type comprises a thin wallet, the thin wallet comprising a record in a subscriber database, and wherein the second account type comprises a full wallet, the full wallet comprising a record in a wallet database.”

In the Final Rejection, the Office disagreed with Applicant, alleging that Random Deposit implicitly describes the particular database architecture. Applicant respectfully disagrees.

While the practitioner of ordinary skill might reasonably suppose that Random Deposit involves some sort of database, there is no description--explicit, implicit, or inherent-- of any particular database architecture. More particularly, there is no description in Random Deposit of:

“wherein first account type comprises a thin wallet, the thin wallet comprising a record in a subscriber database, and wherein the second account

type comprises a full wallet, the full wallet comprising a record in a wallet database.”

Applicant notes the Office’s position that the ordinarily-skilled practitioner would have known that Paypal accounts comprise records in a subscriber database. Even if the Office’s position were correct, the Office makes no showing whatsoever of a database architecture comprising both a subscriber database and a wallet database wherein the wallet database contains full wallet records and the subscriber database contains thin wallet records. Random Deposit is completely silent as to how verified and unverified accounts are stored and/or how they are distinguished from each other.

Accordingly, the present rejection is deemed improper.

In spite of the foregoing, in the interest of advancing prosecution of the Application, Applicant amends Claim 1 to describe that the wallet database and the subscriber database are distinct from each other. Random Deposit fails to describe, even implicitly or inherently:

“wherein first account type comprises a thin wallet, the thin wallet comprising a record in a subscriber database, and wherein the second account type comprises a full wallet, the full wallet comprising a record in a wallet database distinct from said subscriber database.”

Therefore, even if the present rejection were not improper, it would be overcome by the present Amendment. Claim 1 is therefore allowable over Random Deposit. In view of their dependence from an allowable parent Claim, Claims 1-22 are deemed allowable without any separate consideration of their merits.

Claims 23 and 50 are amended in the same manner as Claim 1 and are deemed allowable for the same reasons that Claim 1 is allowable. Dependents of Claims 23 and 50 are deemed allowable without any separate consideration of their merits in view of their dependence from allowable parent Claims.

3. 35 U.S.C. § 103

Claims 45 and 76 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell"). In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 46 and 77 are rejected as being unpatentable over "Random Deposit" in view of an alleged admission by Applicant. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 47-48 and 78-79 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell") and further in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 49 and 80 are rejected as being unpatentable over "Random Deposit" in view of U.S. patent no. 6,477,648 ("Schell") and further in view of U.S. patent application pub. no. 2002/0147645 ("Alao"). In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 14, 36 and 64 are rejected as being unpatentable over "Random Deposit" in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 73-75 are rejected as being unpatentable over "Random Deposit" in view of Alao. In view of the foregoing, the present rejection is deemed improper.

Claims 12-13, 34-35, 62-63 are rejected as being unpatentable over "Random Deposit" in view of Alao and further in view of Official Notice. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 7-9, 15, 29-31, 37, 57-59 and 65 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement". In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 16-18, 38-40 and 66-68 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement" and further in view of an alleged

admission by Applicant. In view of the foregoing, the present rejection is deemed overcome/improper.

Claims 19-22, 41-44 and 69-72 are rejected as being unpatentable over "Random Deposit" in view of "User Agreement" and further in view of an alleged admission by Applicant and further in view of Alao. In view of the foregoing, the present rejection is deemed overcome/improper.

4. No new matter is added by way of the foregoing amendments to the Claims. All amendments are made for the sake of expediency, in recognition of the Office policy of compact prosecution. Such amendments do not signify agreement by Applicant with the Office's positions. Nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope that it reasonably believes it is entitled to in one or more future submissions to the Office.

5. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on Official Notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E Ruzich".

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